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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 10/074,839
Filing Date: October 24, 2001
Appellant(s): MCCLURE, NEIL

Neil L. McClure
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed June 11, 2008 appealing from the Office action mailed March 1, 2007 and December 11, 2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

2002/0107724 Openshaw II et al. 8-2002

Miller et al., "The Impact of Candidate Name Order on Election Outcomes" Public Opinion Quarterly, Fall 1998, v. 62, n. 3, p. 291 (40 pages)

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Openshaw, II et al. (U.S. 2002/0107724) in view of Miller et al. ("The Impact of Candidate name order on Election Outcomes").

As per claim 1, Openshaw, II et al. teaches an electronic voting system comprising:

a memory storage device (See figure 4) containing

ballot information including a plurality of ballot options in association with a contest (See figure 4, paragraphs 0019-20, 0033-6, 0041, wherein ballot information is stored by the system, including a plurality of valid, random ballot options);

a voting station (See figure 2, paragraph 0018) including

an electronically configurable ballot information presentation device operable for presenting the ballot options in a selected order during a first voting session (See figure 4, paragraphs 0019-20, 0033-6, 0041, wherein the ballot is presented in a selected order) and

a voter input device operable for permitting voter directed ballot data entry to produce a cast ballot responsively to the ballot information presented by the ballot information presentation device (See figure 3, paragraphs 0022, 0026, 0065, wherein the voter makes selections and casts the ballot); and

a ballot rotation engine operable to change the selected order of ballot options according to predetermined ordering schema for additional voting sessions (See figure 4, paragraphs 0019-0020, 0041, wherein the ballots are rotated using randomization);

the ballot rotation engine having means for performing ballot rotation by generating electronically reconfigured ballots on demand during the course of an election to implement the schema in a controlled manner facilitating substantial fairness through rotation over at least one level selected from the group consisting of a voting precinct, a group of precincts supported at a polling place, and an entire election jurisdiction (See paragraphs 0019-0021, 0041, 0044, wherein ballot rotation is performed automatically by the system to ensure substantial fairness to all candidates across voting precincts and groups of voting precincts). However, Openshaw II et al. does not expressly disclose ballot images or substantially equal statistic fairness in rotation.

Miller et al. discloses ballot rotation in precincts using electronic voting systems, where ballot images are produced, and wherein the rotation produces substantially equal statistical fairness (See page 291-292, 295, 297 and 298-9, which discusses electronic voting systems and producing ballots in rotating name order to decrease bias towards certain candidates and create substantially equal statistical fairness. See page

324, which discloses rotating names on the ballot so each name appears first equally often. See also pages 300-304, which discloses statistical results).

Both Openshaw II, et al. and Miller et al. discuss changing the order of candidate names in ballots in order to ensure fairness. Openshaw II et al. specifically discloses the use of pre-approved, electronic random ballots in order to avoid the need of secure voting booths as other voters would be unable to observe a user's selections. Further, Miller et al. discloses the importance in rotating names to ensure that the name listed first on the ballot does not receive an unfair bias. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to consider the statistic fairness of rotation in order to increase the fairness of an election by ensuring that all candidates' names receive equal consideration. Further, it would have been obvious to one of ordinary skill in the art at the time of the invention to use ballot images in the system of Openshaw II et al. in order to increase the usability of the system by those voters who are hearing impaired. See paragraph, 0050 of Openshaw, II et al. that discloses the use of the system by the hearing impaired.

As per claim 2, Openshaw, II et al. teaches a network including a precinct control and a plurality of voting stations (See figures 2 and 4, paragraphs 0044-8, 0051, 0063, 0068, 0072, wherein the system has a control and has a plurality of voting terminals).

As pre claim 3, Openshaw, II et al. discloses wherein the precinct control unit is configured to access the memory storage device to obtain the ballot information and process the same to implement the ordering schema along the plurality of voting stations (See figures 2 and 4, paragraphs 0044-8, 0051, 0063, 0068, 0072, wherein the

system has a control and has a plurality of voting terminals. See paragraphs 0019-0021, wherein the plurality of voting stations receive random rotated ballots read from computer memory).

As per claim 4, Openshaw, II et al. teaches wherein the ordering schema is implemented through program instructions to the precinct control unit for balancing the selected order of ballot options amongst the plurality of voting stations so as not to favor any one of the plurality of ballot options at a precinct level during the course of an election (See figures 2 and 4, paragraphs 0044-8, 0051, 0063, 0068, 0072, wherein the system has a control and has a plurality of voting terminals. See paragraphs 0019-0021 and 0041, wherein the randomized ballots are matched to the stations in order to allow fairness in the vote).

As per claim 5, Openshaw, II et al. discloses wherein the ballot information includes a plurality of contests each with associated ballot options, and the ballot rotation engine is operable to change the selected order of the associated ballot options among the plurality of contests (See figure 4, paragraphs 0019-20, 0033-6, 0041, wherein ballot information is stored by the system, including a plurality of valid, random ballot options).

As per claim 6, Openshaw, II et al. teaches wherein the ballot information includes a plurality of contests with associated ballot options and the ballot rotation engine is operable to change the selected order of corresponding ballot options among selected ones of the plurality of contests (See figure 4, paragraphs 0019-20, 0033-6, 0041, wherein the ordering of the ballot changes amongst the contestants).

As per claim 7, Openshaw, II et al. discloses including a plurality of predetermined ordering schema for use in the ballot rotation engine, each of the contests being identified to a selected one of the of the plurality of predetermined ordering schema (See figure 4, paragraphs 0019-20, 0033-6, 0041, wherein ordering schema are used, each of ballots including identified contestants in a radom ordering).

As per claim 8, Openshaw, II et al. discloses wherein the contest comprises a race for elective officials (See paragraphs 0017, 0021-3, 0026, 0028, 0034, 0041, wherein the voting system is for use in elections, such as presidential elections).

As per claim 9, Openshaw, II, et al. discloses a plurality of ballot options in association with a contest (See figure 4, paragraphs 0019-20, 0033-6, 0041, wherein ballot information is stored by the system, including a plurality of valid, random ballot options). However, Openshaw et al. does not expressly disclose, nor does Miller et al., that the contest comprises a referendum for proposed new legislation.

Openshaw, II et al. and Miller et al. disclose electronically implemented voting system that allow for precinct level control in elections. It is old and well known that ballots include questions concerning referendums for proposed legislation on which a voter votes, such as questions on how tax dollars should be allocated. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include questions regarding referendums for proposed new legislation in the ballots of Openshaw, II et al. and Miller et al. in order to increase the reliability, speed, and accuracy of the election process by providing control over the administration of the current voting system. See paragraph 0008 of Openshaw, II et al.

As per claim 10, Openshaw, II et al. teaches an electronically configurable ballot information presentation device operable for presenting the ballot and comprising a personal computer (See figure 4, paragraphs 0019, 0033-6, 0051). However, neither Openshaw, II et al. or Miller et al. disclose a visual display.

Both Openshaw, II et al. and Miller et al. disclose electronically implemented voting systems that allow for precinct level control in elections. Openshaw II, et al. specifically discloses the use of a personal computer in the voting stations. Miller et al. discloses a visual list of candidates in a ballot. Since it is common for PCs to have visual displays, it would have been obvious to one of ordinary skill in the art at the time of the invention to include a visual display in the personal computer of Openshaw, II et al. in order to increase the reliability and accuracy of the election process by increasing comprehension of the choices on the ballot by allowing the voter to both see and hear the choices. See paragraphs 0008, 0075 of Openshaw, II et al.

As per claim 11, Openshaw, II et al. discloses wherein the electronically configurable ballot information presentation device comprises an audio speaker (See figure 1, paragraph 0018, 0020, which discloses an audio ballot).

As per claim 12, Openshaw, II et al. teaches wherein the electronically configurable ballot information presentation device comprises Braille compatibility (See paragraph 0018, which discusses Braille). Openshaw, II et al. further discloses bypassing the system and using a paper ballot when needed (See paragraph 0050). However, Openshaw, II et al. does not expressly disclose, nor does Miller et al., the use of a Braille printer.

Openshaw II et al. discloses an electronically implemented voting system that also employs Braille and printed ballots for the blind and hard of hearing. It would have been obvious to one of ordinary skill in the art at the time of the invention to employ a Braille printer in the system of Openshaw II et al. in order to increase the usability of the system by those voters who are hearing impaired. See paragraph, 0050 of Openshaw, II et al. that discloses the use of the system by the hearing impaired.

As per claim 13, Openshaw, II et al. teaches wherein the voter input device comprises a manually actuatable switch (See paragraph 0063, which discloses a key pad).

As per claim 14, Openshaw, II et al. teaches wherein the voter input device comprises a voter-directed ballot navigation tool (See paragraphs 0016-7, 0019, 0022, 0042, 0049, wherein the voter completes the ballot using tools of the system).

As per claim 15, Openshaw, II et al. discloses wherein the predetermined ordering schema of the ballot rotation engine comprises program instructions for randomization of the selected order of ballot options between successive iterations (See paragraphs 0019-0020 and 0041, wherein the ordering is randomized between successive voters).

As per claims 16-18, Openshaw, II et al. discloses predetermined ordering schema of the ballot rotation (See paragraphs 0019-0020 and 0041). However, Openshaw, II et al. does not expressly disclose sequential rotation of the ballot options, uprotation of adjacent ballot options, or downrotation of adjacent ballot options.

Miller et al. discloses sequential rotation of the ballot options, uprotation of adjacent ballot options, or downrotation of adjacent ballot options (See pages 324-325, wherein the ballot options are sequentially rotated, rotated up wards, or rotated downwards through alphabetically ordering, reverse alphabetical ordering, and then the moving the first candidate in each instance to the end of the list).

Both Openshaw II, et al. and Miller et al. discuss changing the order of candidate names in ballots in order to ensure fairness. Openshaw II et al. specifically discloses the use of pre-approved, electronic random ballots in order to avoid the need of secure voting booths as other voters would be unable to observe a user's selections. Further, Miller et al. discloses the importance in rotating names to ensure that the name listed first on the ballot does not receive an unfair bias. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to consider the statistic fairness of rotation in order to increase the fairness of an election by ensuring that all candidates' names receive equal consideration.

As per claim 19, Openshaw, II et al. teaches wherein the predetermined ordering schema of the ballot rotation engine comprises program instructions for implementing a system of rotation at a precinct level (See figure 4, paragraphs 0019-20 and 0041, wherein the ballots are rotated at a precinct level).

As per claim 20, Openshaw, II et al. teaches wherein the predetermined ordering schema of the ballot rotation engine comprises program instructions for implementing a system of rotation at an election jurisdiction level (See figure 4, paragraphs 0019-20 and 0041, wherein the ballots are rotated at an election jurisdiction level).

As per claims 21-23, Openshaw, II et al. discloses predetermined ordering schema of the ballot rotation (See paragraphs 0019-0020 and 0041). However, Openshaw, II et al. does not expressly disclose that the predetermined ordering schema implements a system of rotation that (i) provides a number of rotation instances for each candidate in a first position of the selected order such that predominance of any one candidate at the top of the selected order is statistically insignificant in influencing an election outcome, (ii) provides, as close as is mathematically possible, an equal number of rotation instances for each candidate at all positions of the selected order, or (iii) implements a lookup table for changing the selected order of the additional voting sessions.

Miller et al. discloses (i) provides a number of rotation instances for each candidate in a first position of the selected order such that predominance of any one candidate at the top of the selected order is statistically insignificant in influencing an election outcome (See pages 298-299 and 324-326, which disclose rotation instances for each candidate in a first position. See also pages 300-304, which discloses statistical results), (ii) provides, as close as is mathematically possible, an equal number of rotation instances for each candidate at all positions of the selected order (See pages 298-299 and 324-326, which disclose rotation instances that assign candidate to each position in the list by precinct, thus trying to normalize the ordering), or (iii) implements a lookup table for changing the selected order of the additional voting sessions (See pages 298-299 and 324-326, wherein the orderings are prescribed by a set methodology).

Both Openshaw II, et al. and Miller et al. discuss changing the order of candidate names in ballots in order to ensure fairness. Openshaw II et al. specifically discloses the use of pre-approved, electronic random ballots in order to avoid the need of secure voting booths as other voters would be unable to observe a user's selections. Further, Miller et al. discloses the importance in rotating names to ensure that the name listed first on the ballot does not receive an unfair bias. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to consider the statistic fairness of rotation in order to increase the fairness of an election by ensuring that all candidates' names receive equal consideration.

Claim 24 recites substantially similar limitations to claim 1 and is therefore rejected using the same art and rationale set forth above.

As per claim 25, Openshaw, II et al. teaches a precinct control unit and a plurality of voting stations networked to a precinct control unit, and the step of iterating is performed at a precinct control unit (See figures 2 and 4, paragraphs 0044-8, 0051, 0063, 0068, 0072).

Claims 26-30 recite substantially similar limitations to claims 3-7, respectively, and are therefore rejected using the same art and rationale set forth above.

Claims 31-33 recite substantially similar limitations to claims 10-12, respectively, and are therefore rejected using the same art and rationale set forth above.

Claims 34-42 recite substantially similar limitations to claims 14-22, respectively, and are therefore rejected using the same art and rationale set forth above.

Claim 43 recites substantially similar limitations to claim 1 and is therefore rejected using the same art and rationale set forth above.

As per claim 44, Openshaw II et al. discloses wherein the ballot rotation engine is configured to implement substantially equal statistical fairness of ballot rotation at the precinct level (See paragraphs 0019-0021, 0041, 0044, wherein ballot rotation is performed automatically by the system to ensure substantial fairness to all candidates across voting precincts and groups of voting precincts). However, Openshaw II et al. does not expressly disclose substantially equal statistic fairness in rotation.

Miller et al. discloses ballot rotation in precincts using electronic voting systems, where the rotation produces substantially equal statistical fairness (See page 291-292, 295, 297 and 298-9, which discusses electronic voting systems and producing ballots in rotating name order to decrease bias towards certain candidates and create substantially equal statistical fairness. See page 324, which discloses rotating names on the ballot so each name appears first equally often. See also pages 300-304, which discloses statistical results).

Both Openshaw II, et al. and Miller et al. discuss changing the order of candidate names in ballots in order to ensure fairness. Openshaw II et al. specifically discloses the use of pre-approved, electronic random ballots in order to avoid the need of secure voting booths as other voters would be unable to observe a user's selections. Further, Miller et al. discloses the importance in rotating names to ensure that the name listed first on the ballot does not receive an unfair bias. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to consider the

statistic fairness of rotation in order to increase the fairness of an election by ensuring that all candidates' names receive equal consideration.

Claims 45 and 46 recite substantially similar limitations to claim 44 and are therefore rejected using the same art and rationale set forth above.

(10) Response to Argument

Appellants argue:

1. Openshaw does not ensure substantial statistical fairness as presently claimed in claims 1, 24, 43.

2. Openshaw has not specifically disclosed rotating the order of the candidates; rather, it teaches randomization of voter selection on a keypad as per claims 1, 24, 43.

3. Openshaw has not taught or suggested ballot rotation on demand as currently claimed in claims 1, 24, 43.

4. Miller does not teach that ballot rotation may be performed to achieve statistical fairness at the level of one precinct, a group of precincts supported at a polling place, or an entire election jurisdiction, as presently claimed in claims 1, 24, 43.

5. Miller does not teach or suggest that ballot rotation may be performed on-demand by electronic devices during the course of an election as presently claimed in claims 1, 24, 43.

6. It is not established why it is obvious to modify Openshaw's telephonic voting system or Miller's ballot rotation technique whereby each precinct is allocated a ballot style with different name order to arrive at the present invention of claims 1, 24, 43.

7. Openshaw in view of Miller do not disclose or suggest the limitations of claims 2-23, 25-35, 39-42, 44-46.

Examiner does not find these arguments persuasive, and discusses each of the arguments in detail below:

1. Openshaw does ensure substantial statistical fairness as presently claimed in claims 1, 24, 43.

Examiner notes that Miller et al. was relied upon to teach substantially equal statistical fairness by ballot rotation. Miller expressly states that a series of difference name orders were developed, beginning with an alphabetical ordering of the candidates. Each additional name over was created by moving the first-listed candidate to the end of the list until each candidate had been listed first in one and only one order. The number of name orders created therefore equaled the number of candidates in the race. See paged 298-299 and 324-326. The ballots are then distributed in an even manner, and thus, equivalent groups of precincts receive the differently ordered ballots.

2. Openshaw teaches rotating the order of the candidates as per claims 1, 24, 43.

Examiner points out that claim 1 recites, "a ballot rotating engine operable to change the selected order of ballot options according to a predetermined ordering schema for additional voting sessions…" Since Openshaw teaches a first ballot is presented and then another is presented by rotating using randomization, see Figure 4 and paragraphs 19-20, 33-36 and 41, Openshaw does teach a rotating engine operable to change the selected order of the ballot option according to a predetermined ordering schema for additional voting sessions. Examiner points out that claims 1, 24 and 43

never recite rotation of the order of candidates in a race to ensure that each candidate's name has substantially equal chance to appear in the first place in the ballot, but rather claim 1 recites, "the ballot rotation engine having means for performing ballot rotation by generating electronically reconfigured ballot images on demand during the course of an election to implement the schema in a controlled manner facilitating substantially equal statistical fairness in rotation over at least one level selected from the group consisting of a voting precinct, a group of precincts supported at a polling place, and an entire jurisdiction." Openshaw was further relied upon to disclose that the ballot rotation engine generated electronically reconfigured ballots on demand during the course of an election to implement the schema in a controlled manner facilitating substantial fairness through rotation over at least one level selected from the group consisting of a voting precinct, a group of precincts supported at a polling place, and an entire election jurisdiction. See paragraphs 19-21, 41 and 44, wherein ballot rotation is performed automatically by the system; a pre-approved random electronic ballot is assigned to the voter; and the candidates are identified in a rotating random order. This rotating random order would ensure substantially equal fairness.

In response to Appellant's argument that the ballot rotation engine of Openshaw randomizes the ballot selection for a different reason than to achieve statistical fairness, the fact that Appellant has recognized another advantage which would flow naturally from following the suggestion of the prior art cannot be the basis for patentability when the differences would otherwise be obvious. See *Ex parte Obiaya*, 227 USPQ 58, 60 (Bd. Pat. App. & Inter. 1985). Additionally, Examiner only asserted that the ballot

rotation engine of Openshaw ensure substantial fairness. Miller was relied upon to disclose the importance of using ballot rotation to produce substantially equal statistical fairness. Examiner further points out that page 324 of Miller discusses random assignments of name orders.

3. Openshaw teaches ballot rotation on demand as currently claimed in claims 1, 24, 43.

According to Appellant, "the term 'on demand' means that ballot rotation may be executed on an 'as needed' basis." Since Openshaw teaches that the ballot is assigned to the voter after the registration number and access number are received, the ballot is not assigned until is needed by the voted. Thus, while the ballot is pre-approved, it is still a randomized ballot that is generated electronically on demand as claimed. Additionally, Examiner notes that while the ballot is pre-approved, Openshaw does not state that the ballot order is pre-approved. Thus, the pre-approved ballot could be pre-approved in order to ensure that the names on the ballot are correct.

4. Miller teaches that ballot rotation may be performed to achieve statistical fairness at the level of one precinct, a group of precincts supported at a polling place, or an entire election jurisdiction, as presently claimed in claims 1, 24, 43.

Examiner notes that claims 1, 24 and 43 do not recites achieving fairness as measured by each candidate being presented first in an equal number of voting instances. Further, Miller teaches on page 300 that the precinct groups were statistically equivalent, meaning that the ballot rotation of Miller as disclosed in pages 298-299 and page 324 does address how to make sure the goal of achieving

substantially equal statistical fairness in rotation is accomplished. Appellants further argue that because different precincts inherently have different numbers of voters, Miller's teachings do not ensure that each candidate will appear in the first position for an equal number of voters. Examiner disagrees based on the statistical analysis of variance using the twenty-four order variables for that country to predict demographic variables that predict voter turnout and/or vote choice – educational attainment, income, age, race, gender, marital status, employment status, and home ownership. This analysis concluded that the assumptions that the precinct that the precinct groups were equivalent. Thus, since the analysis on voter turnout/vote choice concluded that the precincts were equivalent, Miller does teach ballot rotation in precincts using electronic voting systems, wherein the rotation produces substantially equal statistical fairness. Examiner also notes that Openshaw was utilized to teach the rotations at the level of one precinct, a group of precinct supported at a polling place, or an entire election jurisdiction and Miller was merely utilized to teach rotation wherein the rotation produces substantially equal statistical fairness.

5. Openshaw, not Miller, teaches that ballot rotation may be performed on-demand by electronic devices during the course of an election as presently claimed in claims 1, 24, 43.

According to Appellant, "the term 'on demand' means that ballot rotation may be executed on an 'as needed' basis." Since Openshaw teaches that the ballot is assigned to the voter after the registration number and access number are received, the ballot is not assigned until is needed by the voted. Thus, while the ballot is pre-approved, it is

still a randomized ballot that is generated electronically on demand as claimed. Additionally, Examiner notes that while the ballot is pre-approved, Openshaw does not state that the ballot order is pre-approved. Thus, the pre-approved ballot could be pre-approved in order to ensure that the names on the ballot are correct.

6. It would have been obvious to modify Openshaw's telephonic voting system or Miller's ballot rotation technique whereby each precinct is allocated a ballot style with different name order to arrive at the present invention of claims 1, 24, 43.

It would have been obvious to one of ordinary skill in the art to include in the electronic voting system of Openshaw, II et al. the ability to rotate the ballots as taught by Miller et al. since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable. Meaning, since Openshaw teaches a ballot rotation engine operable to change the selected order of ballot options according to a predetermined ordering schema for additional voting sessions, the ballot rotation engine having means for performing ballot rotation by generating electronically reconfigured ballots on demand during the course of an election to implement the schema in a controlled manner facilitating substantial fairness through rotation over at least on lever selected from the group consisting of a voting precinct, a group or precincts supports at a polling place, and an entire election jurisdiction and Miller et al. teaches ballot rotation producing substantially equal statistical fairness, it would have been obvious to combine in the ballot rotation of Openshaw et al. the rotation of Miller et al. that ensures

substantially equal statistical fairness because both elements, the voting system of Openshaw and the rotation method of Miller, would have performed the same function as it did separately and the results of the combination, which produce an increase in the fairness of an election by ensuring that all candidates' names receive equal consideration, were predictable.

Additionally, Examiner notes that the combination would also have been obvious to one of ordinary skill in the art at the time of the invention as one of ordinary skill in the art of electronic voting systems would have found it obvious to update the voting system of the Openshaw using modern voting techniques that ensure substantially equal statistical fairness, as found in Miller, in order to gain the commonly understood benefits of such adaptation, such as an increase in the fairness of an election by ensuring that all candidates' names receive equal consideration. All this would be accomplished with predictable results. Accommodating the electronic voting system of Openshaw to modern voting techniques would have been obvious.

7. Openshaw in view of Miller do not disclose or suggest the limitations of claims 2-23, 25-35, 39-42, 44-46.

Appellant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references. Appellant has merely stated what claims 2-23, 25-35, 39-42, 44-46 teach and then has stated that the references do not disclose or suggest the limitations of the

claims In response, Examiner directs Appellant to the rejections which state that the references do in fact, teach these limitations.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Alison Karmelek/

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